

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30088 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- JAMALPUR District- Munger

Pawan Mandal Son of Suresh Mandal Resident of Village/Muhalla-Bari
Maksuspur, P.S.-Kasim Bazar, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Sanjiv Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 29-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in jail since 06.11.2018 in a case registered for the offences punishable under Sections 121, 121A, 124A, 379, 419 and 120(B)/34 of the IPC, Section 39 of the Unlawful Activities (Prevention) Act and Sections 25(1-A), 25, (1-AA), 25 (1-B) a, 26 and 35 of the Arms Act.

The prosecution case, as per the self statement of S.I. Sunil Kumar, SHO Jamalpur Police Station recorded on 29.08.2018 at 7.45 P.M., is to the effect that on the same day at 5.45 P.M., the Superintendent of Police, Munger informed the informant about



trafficking of illegal arms. Consequently, a raid was laid and one person with a trolley bag was apprehended, who disclosed his name as Md. Imran Alam. From his possession, three AK-47 rifles with fitted magazine, 27 used cartridges and some other parts of AK-47 rifle were recovered, leading to the registration of the FIR against six accused persons. Name of the petitioner sprang up during investigation on the basis of confession of some of the accused persons including the petitioner in connection with Jamalpur Muffasil P.S. Case No.323 of 2018 as they were indulged in sale of illegal arms.

It is submitted by learned Senior counsel for the petitioner that the petitioner's name sprang up after several months of institution of the case. There is no recovery from possession of the petitioner and the petitioner has been made accused in altogether 29 cases only on the basis of confession of co-accused but except three in most of them either the petitioner has been granted bail or has been acquitted. Statement to that effect has been made in paragraph-9 of the petition. Similarly situated other co-accused Md. Niyazul Rahman @ Niyajur Rahman @ Gulu whose name also sprang up in the confession, has been granted bail by a co-ordinate bench of this Court vide order dated 18.10.2019 passed in Cr.Misc.No.59312 of 2019,



co-accused Sada Rifat has been granted bail by a bench of this Court vide order date 29.04.2019 passed in Cr.Misc.No.27858 of 2019, co-accused Md. Firoz @ Fizwa has been granted bail by a Co-ordinate bench of this Court vide order dated 26.02.2020 passed in Cr.Misc.No.55816 of 2019 and co-accused Md. Rizwan @ Md. Rizwan Khan has been granted bail by a Co-ordinate bench of this Court vide order dated 20.03.2020 passed in Cr.Misc.No.1950 of 2020. It is further submitted that at the time of seizure the petitioner was in custody.

Learned APP, however, submits that the petitioner has serious criminal antecedent but he has not controverted this fact that there is no recovery from the petitioner and the petitioner's name sprang up in a case in which he has been granted default bail under Section 167(2) of the Cr.P.C.

Considering the fact that there is no recovery from the possession of petitioner and other co-accused have been granted bail by different benches of this Court, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Munger in connection with Jamalpur P.S.Case No.258 of 2018.

However, in view of the present pandemic COVID-



19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Munger including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

The learned Court below will positively cancel the bail bonds of the petitioner in case he he gets substantially involved in similar nature of offences.

(Dinesh Kumar Singh, J)

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